

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD M. MOULTON JR., : Civil No. 3:22-cv-326

Plaintiff : (Judge Mariani)

v.

UNITED STATES OF AMERICA,

Defendant :

ORDER

AND NOW, this 29<sup>th</sup> day of September, 2022, upon consideration of

Defendant's motion (Doc. 28) to dismiss, and the parties' respective briefs in support of and  
in opposition to said motion, and for the reasons set forth in the accompanying

Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 28) is **GRANTED**.
2. Plaintiff's claims pursuant to the Federal Tort Claims Act are **DISMISSED** without prejudice to Plaintiff's right to raise new claims with a certificate of merit that complies with Pennsylvania Rule of Civil Procedure 1042.3.
3. The Clerk of Court is directed to **CLOSE** this case.
4. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani  
United States District Judge